

Application No.: 10/815,149  
Amdt dated: January 11, 2010  
Reply to Office action of May 7, 2009

### **REMARKS/ARGUMENTS**

This paper is filed in response to the Office Action dated October 9, 2009. Claims 10-18 and 24-28 were considered by the Examiner. In this paper, Claim 10 has been amended, no claims have been canceled, and no new claims have been added. Accordingly, Claims 10-18 and 24-28 remain before the Examiner for consideration. No new matter has been added in this Amendment.

#### **Summary of the Office Action.**

In the Office Action, Claims 10-18 and 24-28 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Ortiz et al. (U.S. Patent No. 5,163,945). For at least the reasons discussed below, Applicant respectfully traverses these rejections.

#### **Ortiz Fails to Disclose All of the Recitations of the Claimed Subject Matter.**

Ortiz describes a surgical device for applying a surgical clip consisting of a jaw assembly 18, a barrel assembly 20, and a handle assembly 22. (Ortiz, col. 4, lines 4-8). The jaw assembly is connected to a tubular barrel member 50 included in the barrel assembly 20 by a ferrule pin 52. (Ortiz, col. 5, lines 43-45, 49-53). The handle assembly 22 of the surgical device "extends proximally from the barrel assembly 20" and is rotatably connected thereto. (Ortiz, call six, lines 5-10). The handle assembly 22 is connected by a ball joint connection to a proximal end of a drive rod 58 included in

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the barrel assembly 20. (Ortiz, col. 6, lines 15-18).

In contrast to the surgical device described by Ortiz, Claim 10 relates to a single clip jaw assembly adapted for use with a handle assembly comprising, among other limitations, a pair of jaws, a pair of the elongate support arms, a bridge, a housing disposed over at least the bridge, and a coupling included in the housing. The coupling is "adapted for *removably attaching* the housing to the handle assembly." (Emphasis added).

As discussed above, the Ortiz device fails to describe a jaw assembly having a housing with a coupling that is adapted for "removably attaching" to a handle assembly as recited in Claim 10. Rather, the Ortiz device includes a rotatable connection between the barrel assembly and the handle assembly as well as a ball joint connection between the trigger of the handle assembly and a drive rod of the barrel assembly. Ortiz fails to disclose that either of these connections are removable once the device has been assembled. Rather, Ortiz refers to the surgical device as a single unit throughout the Ortiz reference. (See, e.g., Ortiz, col. 3, lines 58-62; col. 4, lines 6-8; col. 6, lines 27-44).

Moreover, Ortiz fails to disclose a jaw assembly having a housing with a coupling included therein as recited in Claim 10. As evident in Figure 9 of Ortiz, the barrel member 50 (indicated in the Office Action to correspond to the housing recited in Claim 10) is merely a tubular segment that *does not include* a coupling therein, as recited in Claim 10.

Accordingly, for at least the reasons discussed above, Claim 10 is

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distinguishable over the applied art. Claims 11-18 and 24-28 depend from Claim 10 and recite additional novel and non-obvious limitations thereon. Accordingly, Claims 11-18 and 24-28 are likewise distinguishable over the applied art for at least the reasons discussed above with respect to Claim 10.

### **Conclusion**

For at least the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowability is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

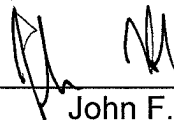
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The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, John F. Heal, at (949) 713-8283 to resolve such issues promptly.

Sincerely

APPLIED MEDICAL RESOURCES

BY



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